

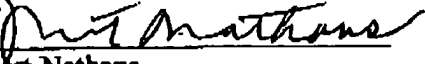
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Robert Nathans
Registration # 19,558

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Allan Comeau

Group art unit 3764

Application no. 10/626,268

Examiner: Glen Richmond

Filed 07/24/2003

RESPONSE A

Since no additional claims have been added, no further fee is due.
Presumably the drawings are acceptable although the examiner did not check the
accepted box on the office action.

In order to even more distinctly claim the invention, the claims have been
amended in the attached claim listing.

The rejection of claims 1-20 under 35 USC 102 (b) as being clearly
anticipated by Rogers 5,728,033 is respectfully traversed.

Rogers discloses an arm and leg exercising apparatus whereby pedals are
pushed alternately by the feet to feed bursts of water up to rigid paddles that are arm
actuated. Sponge material in the paddles resists the flow of water through the paddles
which water can be drained through a manually actuated drain valve 44 in figure 4 to
reduce the weight of water in the paddles for a less strenuous exercise. When the left
hand pedal 11 shown in fig. 4 is depressed, a burst of water is fed via feed line 55 to the

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left hand paddle and simultaneously, a burst of water is fed via 23 to the right hand water column to aid in raising the right hand petal as the left hand one is being depressed and so forth regarding depression of the right hand petal.

Please review the short and concise specification for explanation of the present invention.

There are 4 independent claims 1, 5, 9, and 17 in issue. Rogers fails to teach the fluid pressure measuring means of independent claims 1 para. (d) and 5 para. (e).

Rogers fails to teach fluid coupling means for coupling the first and second valve means together in a tandem relationship with each other for enabling fluid flow simultaneously through the first and second valve means as now specified in independent claim 9 as now amended.

Rogers fails to teach fluid impedance means for presenting a substantially constant impedance to the flow of fluid therethrough in first and second directions opposite one another, see para. (a), claim 17. See also dependent claim 15, and para. (e) of claim 5 and dependent claims 13 and 14.

Rogers fails to teach the valve details of dependent claims 3, 4, 7, 8, 11, 12. See pages 5-6 of applicants specification.

Rogers fails to teach flexible bladders specified by dependent claims 2, 6, 10, and 18-20 enabling use of the invention for strengthening a person's hands in contrast with the arms and legs being strengthened in Rogers.

The Santos patent 6,086,516, cited by the examiner of interest, has, in contrast with the invention, a single hand strengthening device having a single adjustable bleed valve coupled between a flexible squeezable bladder and a single receptor chamber. The adjustable valve can vary the resistance level of the device and a pressure gage is disclosed in figure 2 of Santos. This reference also fails to teach the aforesaid claim limitations. Applicant's does not vary the resistance level of his device by use of an adjustable bleed valve and further, accommodates exercising both hands.

These references do not fulfill the objects of the invention, particularly and preferably with respect to exercising the hands. These beneficial results point to non-obviousness of the claimed invention. As stated on page 1 of applicant's specification:

"There is a need for exercising the hands in order to strengthen them over a period of time. There is also a need for indicating the progress made over the time period to encourage the exerciser to continue with the exercising routine and note his or her progress. It is desirable to provide a single device for exercising both hands in a pleasant and rhythmic fashion over an exercising interval while noting the forces produced by each hand. The exercising intervals may be performed for several weeks or more, and thus by observing and recording the measured increases of impulse pressure due to the hand squeezing process, the hopefully improving hand strengths can be individually indicated for both the right and left hands."

As stated on pages 7-8 of the specification:

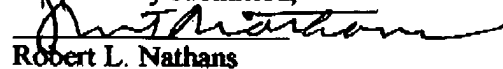
"Alternate bladder squeezing creates a pleasant rhythmic exercise routine and the peak gage pressure indicates progress. As the hands are strengthened, the increased squeeze force causes the flow rate or impulse through the device to increase, increasing the sharp peak impulse measured by the pressure gage.

The measured hand strength range is beneficially large facilitating use by both the strong and weak. During experimental use of the above described prototype, the maximum force exerted by the inventor's nine year old son registered four psi on the gage; his eighty year old mother registered five psi, and on a good day the inventor was able to register ten psi."

In view of the foregoing, an early allowance is respectfully solicited.

Regarding ALLOWABLE EXCEPT AS TO FORM: Should the examiner still deem the application not in condition for allowance, the examiner is respectfully requested to make any suggestions in a telephonic interview or otherwise that may further advance prosecution in accordance with the mandate of MPEP 707.07 (j); page 700-101 8th Ed. : "When an application discloses patentable subject matter and it is apparent from the claims and applicant's arguments that the claims are intended to be directed to such patentable subject matter, ... the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and where possible, should offer a definite suggestion for correction."

Respectfully submitted,



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(10-12 AM Eastern is preferred)